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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/751,735	01/06/2004	Hideyuki Naito	VX022451A	3990

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POSZ LAW GROUP, PLC
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EXAMINER	
AVERY, BRIDGET D	
ART UNIT	**PAPER NUMBER**
3618	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/751,735	NAITO ET AL.	
	Examiner	Art Unit	
	Bridget Avery	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 December 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 5-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1. Claims 1, 3, 6-9, 13 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Rigal (US Patent 2 774 302).

Rigal teaches an apparatus for binding a boot to a base plate of a snowboard (2), including: a first band (15) mounted on a first side of the base plate (5); a second band (13) mounted on a second side of the base plate opposite the first side of the base plate (5) in a width direction, the second band (13) being removably attached to the first band (15, 17), and capable of fastening a toe end portion of the boot to the base plate (5) where the second band (13) can fasten the toe end portion at an acute angle with respect to the base plate and the toe end portion of the boot via elements (14, 16); a pad (20) attached to one of the first band and the second band at an upper surface of the pad (20), and the toe end portion of the boot at a lower surface of the pad (20); Re claim 6, a first band (15) mounted on a first side of the base plate (5); a second band (13) mounted on a second side of the base plate (5) opposite the first side of the base

plate (5) in a width direction; and a pad (20) mounted-on the first band (15) at a first portion and removably attached to the second band (13) at a second portion, wherein the pad (20) fastens a toe end portion of the boot at an acute angle with respect to the base plate (5) and the toe end portion; a first belt (17) for fastening an upper portion of the toe end of the boot to the base plate; a second belt (17 integral and equivalent to applicant's) for fastening a front portion of the toe end of the boot to the base plate (5), the first belt (17) and the second belt being connected to each other at first ends thereof and connected to each other at second ends thereof; and the second band (13) connected removably to the first ends of the first belt and the second belt, and connected fixedly to the second side of the base plate (5), where the second ends of the first belt and the second belt are removably connected to the first band (15), as shown in Figures 2 and 3; the first belt and the second belt are formed integrally with respect to each other, as clearly shown in Figure 3. It is noted that in claim 1, line 11, applicant's recitation of "a connecting member extending between the first and second parts having a shape matching that of the toe end portion of the boot" refers to the pad defined in line 8 and does not refer to an additional element, as the claim suggest.

2. Claims 1, 5-8, 10-13 and 15 rejected under 35 U.S.C. 102(b) as being anticipated by Kaufman et al. (US Patent 5,142,798).

Kaufman et al. teaches an apparatus including a first band (130) mounted on a first side of a base plate (115); a second band (130) mounted on a second side of the base plate (115) opposite the first side of the base plate in a width direction, the second

band (130) being removably attached to the first band (130), so as to fasten a toe end portion of the boot to the base plate (115), the second band (130) fastening the toe end portion at an acute angle with respect to the base plate (115) and the toe end portion of the boot; and, a pad (120) attached to one of the first band and the second band at an upper surface of the pad (120), the pad (120) including a first part with a lower surface contacting a front surface of the toe end portion of the boot, a second part with a lower surface contacting an upper surface of the toe end portion of the boot. Re claim 5, the pad (120) can be a thermoplastic part shaped to cover the toe and vamp portions of the boot.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rigal ('302).

Rigal teaches the features described above.

Rigal lacks the teaching of a pad including a hard material, a pad divided into two plates and the teaching of a first and second belt removably connected to each other.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide a pad divided into two plates and the teaching of a first

and second belt removably connected to each other, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. Note, the features of claims 11 and 12 are shown in Figure 1. Applicant's attention is drawn to the adjustment holes clearly shown on the left side of the figure near reference number 9.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rigal ('302) in view of Rigal et al. (US Patent 6,076,848).

Rigal teaches the features described above.

Rigal lacks the teaching of a first band adjustable with respect to the first ends of the first belt.

Rigal et al. teaches a band adjustable with respect to the ends of a belt.

Based on the teachings of Rigal et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the band to include a series of holes to facilitate adjustment. See column 4, lines 55-67 and column 5, lines 1-5.

Response to Arguments

5. Applicant's arguments filed December 8, 2006 have been fully considered but they are not persuasive.

Contrary to applicant's arguments, Rigal clearly teaches the first band, the second band, and pad claimed by applicant. The connecting member, the third band

and the broadly recited fixing structure claimed by applicant are the same as the claimed pad.

In response to applicant's argument that strap 12 in Rigal '302 is not particularly pertinent to the presently claimed invention, it is noted that the straps (11 and 12), as depicted in Figure 1, are identical. Each strap (11 and 12) shows a band on each side, a pad and at least one belt.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barci shows a hard shell, boot snowboard bindings and system.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 571-272-6691.

Avery

March 5, 2007

CHRISTOPHER P. ELLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600